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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 882,842	06 15 2001	Jozsef Tokes	LD 11642 GEC 2 0564	8771

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EXAMINER

HARPER, HOLLY R

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07 17 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/882,842

Applicant(s)

TOKES ET AL.

Examiner

Holly R. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5 and 9-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 24-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's amendment to the claims, filed on 4/14/2003, has been entered and acknowledged by the Examiner.

Claims 4 and 5 have been canceled.

Claims 24-28 have been added.

Claims 1, 6, and 7 have been amended.

Claims 9-23 have been withdrawn from consideration.

### ***Examiner's Note***

There is a spelling error in amended claims 1 and 26. Line 5 has the word "begin" but it should be "being".

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Gluhlampenwerk (DE 41 33 077 A1).

In regard to claim 1, the Gluhlampenwerk reference discloses a fluorescent lamp with a double helix (Figure 1). The double helix tubes are formed around a central axis (Figure 1). The double helix has a central section (Figure 1, Element 1) with an inner diameter larger than the inner diameter of the first end section (Figure 1, Element 2). The Gluhlampenwerk reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 1). The Gluhlampenwerk reference discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 1, Element 6). The transversal dimension of the cold chamber is larger than the diameter of the tube portions.

In regard to claim 3, the Gluhlampenwerk reference discloses that the diameter of the tube portions is substantially constant (Figure 1).

In regard to claim 24, the Gluhlampenwerk reference discloses that the enlarged transverse dimension of the cold chamber is larger than the diameter of the tube portions when measured in a direction perpendicular to the central axis (Figure 2).

In regard to claim 25, the Gluhlampenwerk reference discloses that there are no substantially linear portions adjacent to the cold chamber (Figure 1).

In regard to claim 26, the Gluhlampenwerk reference discloses a fluorescent lamp with a double helix (Figure 1). The double helix tubes are formed around a central axis (Figure 1). The double helix has a central section (Figure 1, Element 1) with an inner diameter larger than the inner diameter of the first end section (Figure 1, Element 2). The Gluhlampenwerk reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 1). The Gluhlampenwerk reference discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 1, Element 6). The transversal

dimension of the cold chamber is larger than the diameter of the tube portions. The enlarged transverse dimension of the cold chamber is larger than the diameter of the tube portions when measured in a direction perpendicular to the central axis.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules et al. (USPN 5,680,005) in view of Gluhlampenwerk (DE 41 33 077 A1).

In regard to claim 1, the Soules reference discloses a fluorescent lamp with a double helix (Figure 1). The double helix tubes are formed around a central axis (Figure 1, Element 22). The double helix has a central section with an inner diameter larger than the inner diameter of the first end section. The Soules reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 1). The Soules reference discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 1), but does not disclose that the transversal dimension of the cold chamber portion is larger than the diameter of the tube portions. The Gluhlampenwerk reference teaches that the transversal dimension of the cold chamber is larger than the diameter of the tube portions. This allows a larger cooling area which keeps the bent parts of the discharge vessel largely free from any mercury coating (Figure 2 and Page 5, Lines 5-7 of the translation).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to create a lamp where the transversal dimension of the cold chamber is larger than the diameter of the tube portions, as taught by Gluhlampenwerk, to keep the bent parts of the discharge vessel largely free from any mercury coating.

In regard to claim 2, the Soules reference discloses a lamp with a double helix which has a second end section opposite the lamp base with an inner diameter smaller than the inner diameter of the central section (Figure 1).

In regard to claim 3, the Soules reference discloses that the diameter of the tube portions is substantially constant (Figure 1).

In regard to claim 24, the Gluhlampenwerk reference discloses that the enlarged transverse dimension of the cold chamber is larger than the diameter of the tube portions when measured in a direction perpendicular to the central axis (Figure 2).

In regard to claim 25, the Soules reference discloses that there are no substantially linear portions adjacent to the cold chamber (Figure 1).

In regard to claim 26, the Soules reference discloses a fluorescent lamp with a double helix (Figure 1). The double helix tubes are formed around a central axis (Figure 1, Element 22). The double helix has a central section with an inner diameter larger than the inner diameter of the first end section. The Soules reference also discloses a lamp base for receiving the ends of the tube portions being disposed at the first end section (Figure 1). The Soules reference discloses a cold chamber portion connecting the ends of the helix shaped tube portions (Figure 1), but does not disclose that the transversal dimension of the cold chamber portion is larger than the diameter of the tube portions. The Gluhlampenwerk reference teaches that the transversal

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dimension of the cold chamber is larger than the diameter of the tube portions. The enlarged transverse dimension of the cold chamber is larger than the diameter of the tube portions when measured in a direction perpendicular to the central axis. This allows a larger cooling area which keeps the bent parts of the discharge vessel largely free from any mercury coating (Page 5, Lines 5-7 of the translation).

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to create a lamp where the transversal dimension of the cold chamber is larger than the diameter of the tube portions, as taught by Gluhlampenwerk, to keep the bent parts of the discharge vessel largely free from any mercury coating.

5. Claims 6-8 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soules et al. (USPN 5,680,005) in view of Morley (USPN 2,279,635).

In regard to claims 6, 8, 27, and 28, the Soules reference, addressed in the rejection of claims 1 and 26, discloses a fluorescent lamp with double helix shaped tube portions, but it does not disclose various shapes for the external configuration. The Soules reference discloses the claimed invention except for the limitation of various shapes for the external configuration. Morley discloses that the outer envelope can have different shapes. It has been held that a change in size is generally recognized as being within the level of ordinary skill in the art. It would have been obvious to one having ordinary skill in the art to vary the shape and size of the external configuration, since such a modification would have involve a mere change in the shape of a component.

***Response to Arguments***

6. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Regarding applicants claim that the Gluhlampenwerk reference would unnecessarily increase the height of the lamp, the examiner respectfully disagrees. It is unclear from the recitation "enlarged transverse dimension is measure in a direction perpendicular to the central axis" how the vertical height would be limited.

Regarding applicants claim that the Gluhlampenwerk reference has a large longitudinal dimension of coil, the examiner respectfully disagrees. The applicant claims that there is no substantially linear portion adjacent to the cold chamber. As shown in Figure 1, the cold chamber is adjacent to the helical tubes. There is no substantially linear portion.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (703) 305-7908. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (703) 305-4794. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.



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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper  
Patent Examiner  
Art Unit 2879



ASHOK PATEL  
PRIMARY EXAMINER